## REMARKS

Claims 1-38 are pending in the application.

Claims 1-38 have been rejected.

Claims 1, 2, 12, 13, 19, 20, 30 and 31 have been amended as indicated above.

No new matter has been added.

Reconsideration of the Claims is respectfully requested.

### 1. Rejection under Section 103

*Claims 1-2, 5, 7-13, 15-18, 20, 23, 25-31 and 33-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,440, to Diefes ("Diefes"), in view of U.S. Patent No. 5,561,456, to Yu ("Yu"), and U.S. Patent No. 6,594,826, to Rao et al. ("Rao").*

*Claims 3, 19 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Diefes, Yu and Rao, further in view of U.S. Patent No. 6,163,272, to Goode ("Goode").*

*Claims 4, 14, 22 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Diefes, Yu and Rao, and further in view of U.S. Patent No. 4,890,322, to Russell ("Russell").*

*Claims 6 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Diefes, Yu and Rao, further in view of U.S. Patent No. 7,086,077, to Giammaressi ("Giammaressi").*

Diefes relates to "detecting the reception of cable channels and determining whether the reception of such channels is authorized." (Diefes 1:38-41). That is, Diefes is a cable programming access system. Diefes does not recite preempting services in process when the priority of the requested service is higher than the priority of the current service.

Yao relates to a "video request scheduler and admission control explicitly exploiting viewer delay tolerance to facilitate batching to maximize the return of the [video-on-demand] system." (Yao 1:52-55). In other words, Yao recites a video request scheduler that "[delays] the scheduling of a hot (frequently requested) video for as long as possible within the viewer's tolerance time. This is based on the probability that during the additional delay, some other requests for the same video will arrive." (Yao 2:25-30). That is, Yao imposes a delay to all requests to maximize its profit, not for determining whether its system has sufficient resources of a plurality of resources to fulfill the client requests. Further Yao recites that "if a loss of viewers is inevitable due to the heavy load resulting from a long delay, it is better to lose the cold (less frequently requested) video viewers." (Yao 2:35-39). In other words, Yao recites optimization of limited content, not the allocation of resources to accommodate a client request.

Rao relates to digital data distribution "wherein selection from among multiple digital services is accomplished by transmitting a tuning command from a subscriber unit to one or more intermediate interfaces . . . ." (Rao 2:39-44). Rao discusses bumping non-privileged subscribers for privileged subscribers. (Rao 21:35-50; 22:15-33); however, Rao is directed to "class status" of a user, not multimedia system resource allocation procedures that are determined based on a priority associated with the multimedia system service.

Goode relates to a "method and apparatus for managing personal identification numbers within [a video-on-demand] system." (Goode 1:11-13). As understood, Goode was cited for Applicant's claim limitation including "based on control limits by a user of the multimedia system." (*See* Independent Claim 19). In Goode, upon "a customer requesting access to the information distribution system, the access authorization routine is executed upon the interactive session manager. . . . [R]equests for services outside of the pre-defined level of services will require a different valid PIN to be entered. As such, children can be restricted to certain content levels such as restrictions based upon the MPAA rating for certain types of movies, restrictions as to adult content, restrictions to viewing at only certain times of day, and the like." (Goode 2:24-63). Goode does not refer to a multimedia system resource allocation procedure that are determined based on a priority associated with the multimedia system service.

As discussed in Applicant's Specification, by way of example, resource management within a multimedia system provides a servicing a client request that includes access to a plurality of dissimilar channels with dissimilar resource demands. The resource management "begins by receiving a client request for a multimedia system service from one of a plurality of clients. The *multimedia system service* may be to access a radio station channel, television station channel, satellite channel, cable channel, Internet access, intercom communication, et cetera. The processing continues by *determining whether the client's request* is valid for this particular client. For example, the determination is being made as to whether to client has the authority to access this particular multimedia system service, whether the system can support such a service, et cetera. The processing continues when the request is valid by determining whether the multimedia system has sufficient resources to fulfill the client request. Such resources include resources within a tuning module, resources within a channel mixing module, bandwidth of a communication path between the plurality of clients and a multimedia server, et cetera. The processing continues when the multimedia system has sufficient resources to fulfill the client request by allocating at least some of the sufficient resources to fulfill the client request based on a multimedia system resource allocation procedure, which insures that the resources of the system are allocated in an efficient manner. With such a method and apparatus, an in-home communication network is established that allows

multiple client devices to have independent access to multimedia sources without requiring traditional receiving and/or transmitting equipment associated with independent access to such multimedia sources." (Specification at page 17, *line* 21 thru page 19, *line* 2).

Applicant's Independent Claim 1, as amended, recites, *inter alia*, a "method for managing resources in a multimedia system, the method comprises: receiving a client request for a multimedia system service from one of a plurality of clients, *wherein the multimedia system service includes access to a channel of a plurality of dissimilar channels*; determining whether the *client request is valid* for the one of the plurality of clients; when the client request is valid for the one of the plurality of clients, determining whether the *multimedia system has sufficient resources of a plurality of resources to fulfill the client request*; and allocating at least some of the sufficient resources to fulfill the client request . . . ." (emphasis added).

Applicant's Independent Claim 12 as amended recites, *inter alia*, a "method for managing resources in a multimedia system, the method comprises: receiving a client request for a multimedia service from one of a plurality of clients, the multimedia service having a service type, *wherein the multimedia system service includes access to at least one of a radio station channel, a television station channel, a satellite channel, a cable channel, Internet access, and intercom communication*; determining whether the client request is valid for the one of the plurality of clients; when the client request is valid for the one of the plurality of clients, determining whether the multimedia system has sufficient resources of a plurality of resources to fulfill the client request; and allocating best match resources of the sufficient resources to fulfill the client request that are determined based on a priority associated with the multimedia service." (emphasis added).

Applicant's Independent Claim 19 as amended recites, *inter alia*, an "apparatus for managing resources in a multimedia system, the apparatus comprises: processing module; and memory operably coupled to the processing module, wherein the memory includes operational instructions that cause the processing module to: receive a client request for a multimedia system service from one of a plurality of clients, *wherein the multimedia system service includes access to at least one of a radio station channel, a television station channel, a satellite channel, a cable channel, Internet access, and intercom communication*; determine *whether the client request is valid* for the one of the plurality of clients, based on control limits set by a user of the multimedia system; when the client request is valid for the one of the plurality of clients, *determine whether the multimedia system has sufficient resources* of a plurality of resources to fulfill the client request; and when the multimedia system has the sufficient resources to

fulfill the client request, allocate at least some of the sufficient resources to fulfill the client request . . . ." (emphasis added).

Applicant's Independent Claim 30 as amended recites, *inter alia*, an "An apparatus for managing resources in a multimedia system, the apparatus comprises: processing module; and memory operably coupled to the processing module, wherein the memory includes operational instructions that cause the processing module to: receive a client request for a multimedia service from one of a plurality of clients, the multimedia service *having one of a plurality of service types and provides access to at least one of a radio station channel, a television station channel, a satellite channel, a cable channel, Internet access, and intercom communication;* determine *whether the client request is valid* for the one of the plurality of clients; when the client request is valid for the one of the plurality of clients, determine whether the multimedia system *has sufficient resources of a plurality of resources to fulfill the client request*; and when the multimedia system has the sufficient resources to fulfill the client request, allocate best match resources of the sufficient resources to fulfill the client request . . . ." (emphasis added).

In view of the distinguishing aspects of the claimed invention over the cited references, Applicant respectfully submits that a *prima facie* showing of obviousness has not been established. There is no suggestion or motivation stemming from the cited references for the hypothetical combination of the cable programming access system of Diefes with the video request scheduler of Yao, and the digital data distribution device of Rao, and further with the PIN management device of Goode, to achieve Applicant's claimed invention.

Applicant also respectfully submits that the cited references do not teach or suggest all of Applicant's claim limitations, as indicated by the emphasized portions set out above.

## 2. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claims 1-38 in the Application are in condition for allowance, and respectfully requests allowance of such Claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

Respectfully submitted,

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